

**TIVERTON PLANNING BOARD  
MINUTES OF SPECIAL MEETING  
October 15, 2013**

Chairman Stephen Hughes called the special meeting of the Tiverton Planning Board to order at 7:05 P.M. on October 15<sup>th</sup> at the Senior Center – 207 Canonicus Street. Members present were: Vice Chairman Stuart Hardy, Patricia Cote, Rosemary Eva, Carol Guimond, Peter Corr, David Holmes, Peter Moniz and David Saurette.

Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud, consulting engineer Deirdre Paiva of Commonwealth Engineers and Consultants and the Planning Board's Solicitor Peter Ruggiero. Also seated in the audience was planning consultant Kenneth Buckland, AICP of the Cecil Group.

**1. Starwood Tiverton, LLC (Owner) – Peregrine Group, LLC (Applicant) – Building #3, 20 Newman Avenue – Suite 1005 – Rumford, RI 02916 – Modification to Approved & Recorded Final Plan – Public Hearing – Change in Number / Type of Units – Plat 119 / Lot 102 – W/S of Old Main Road, North of Schooner Drive – Waterfront (W) Zoning District – Villages on Mount Hope Bay – Phases IV & V – Age Restricted Mixed Use Community (ARMUC) – Continued from 10/1/2013** Engineer Janice Greenwood of Woodard & Curran and Jordan Stone of the Peregrine Group, LLC were present on behalf of the petition. The Chair noted that a site walk had been held on October 5<sup>th</sup> to view the vacant land and railroad tracks / sewer line easement. He stated that a copy of the buffer plan had been received and distributed and that a letter had been received from Ms. Greenwood regarding surety. Ms. Greenwood had requested that the remaining surety funds be held for the amended project, with no releases until the completion of the project.

Mr. Stone stated that the CRMC (Coastal Resources Management Council) assent and RIDEM (Rhode Island Department of Environmental Management) permit had been received. Ms. Eva noted that the waterfront parcel (Plat 119 / Lot 101) had been sold to a different entity, and that the assent presented was granted to Starwood Tiverton, LLC. Mr. Stone replied that the assent did not affect the waterfront parcel. Ms. Greenwood stated that there were three assents in place, with only one requiring amendment.

Mr. Moniz stated that the walking paths had not been installed above the railroad tracks, between the pond and basin #11. Ms. Greenwood replied that that work would not be within the limits of work for this part of the project. Mr. Moniz speculated that the owners must be concerned about the lack of paths. He also inquired about the two entrances to Village Road depicted in Figure #3 within the booklet that had been distributed. Ms. Greenwood replied that this was access for Fire Department and trash vehicles, and that it eliminated a dead-end. Mr. Moniz asked if the road / driveway off of Whaleback Road had been approved by the Fire Department. Ms. Greenwood stated that it was a driveway and that she had met with the Fire Chief (Lloyd) to review the plans and that all dimensions would meet NFPA (National Fire Protection Association) requirements. Mr. Moniz asked if there was a prohibition on tree cutting in some areas noting that there was the potential for future railroad service. Ms. Greenwood replied that the deeds contained language.

The Chair asked if new legal documents would be required. Mr. Ruggiero stated that he needed to discuss this with the Peregrine Group. Mr. Stone noted that any new documents would carry through the same requirements.

Mr. Corr inquired about surety, noting that an actual cost had not been submitted by the applicant. Ms. Greenwood stated that the remaining surety was intended to cover Phases 3, 4 and 5. Ms. Paiva stated that the actual current prices were slightly higher. Ms. Michaud noted that previous releases of surety had been by AIA Requisition, with a 15% contingency held. Mr. Corr asked if there were any paths in this part of the project to be constructed. Ms. Greenwood replied in the negative.

Mr. Hardy inquired about the Soil Erosion and Sediment Control Plan. Ms. Greenwood stated that a new plan would be required for the RIPDES (Rhode Island Pollutant Discharge Elimination System) Permit. A

November 26<sup>th</sup> deadline was in place to update the plan. Mr. Hardy requested that a copy of the RIPDES plan be submitted to the Planning Board Office. Ms. Greenwood agreed to furnish it.

Ms. Eva asked if Mr. Berlucchi had commented on the surety amount. Ms. Michaud replied in the negative, noting that inspections would be performed by Commonwealth. Ms. Eva expressed her concern if these roads became part of the Town system at a later date. Mr. Stone stated that he could obtain documentation and that the improvements would remain private. Mr. Ruggiero noted that there was an agreement in place regarding interest and stated that written authorization from Starwood Tiverton allowing the use of surety funds for Peregrine's project was needed. The Chair asked how long it would take to receive a surety breakdown. Ms. Greenwood replied that it would take twenty-four hours. Mr. Corr asked Ms. Paiva if Commonwealth was comfortable with the current surety. Ms. Paiva replied in the affirmative, noting that the whole amount would be held until the end of the project. Ms. Michaud noted that the previously approved one hundred sixty-six (166) unit plan could proceed now with no further review.

The Chair noted that the Public Hearing was open, and invited questions or comments from the audience. None were heard. Mr. Saurette asked if Ms. Paiva would review the RIPDES permit for the Board. Ms. Paiva described the permit, which was actually held by the State of Rhode Island. The State (RIDEM) would give Starwood / Peregrine permission to work under that permit. The Chair asked how the Board members felt about the surety. Ms. Paiva opined that the surety was reasonable. Mr. Corr asked if approval could be issued without the letter requested by Mr. Ruggiero regarding the transfer of surety. Mr. Ruggiero replied that the letter was not needed for approval.

Mr. Holmes made a motion to hold the current surety amount for the amended project, with no releases until the project was complete. Ms. Guimond seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Corr, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion. It was noted that the requested surety breakdown would be reviewed by Ms. Paiva, who would report back with any significant differences.

The Chairman reviewed the required findings aloud: Land Development and Subdivision Regulations Section 23-45 a. (1-5). Mr. Hardy made a motion to make positive findings. Mr. Corr seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Corr, Mr. Hardy, Mr. Holmes, Mr. Hughes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

Based on positive findings, Mr. Hardy made a motion to approve the amendment, as presented. Ms. Cote seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Corr, Mr. Hardy, Mr. Holmes, Mr. Hughes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

**2. Carpionato Group, LLC (Under Agreement to Purchase) – 1414 Atwood Avenue – Johnston, RI 02919 – Pre-Application / Informal Concept Plan – S/S Souza Road, N/S Route 24, E/S Main Road, R-40 Zoning District – Plat 110 / Lot 102 & Plat 301 / Lot 220 – Tiverton Crossings – Mixed-Use Major Land Development (Retail / Office / Residential / Hotel / Restaurant) (No Time Clock)** Mr. Corr submitted a recusal form and left the table. Attorney Thomas Moses, Joe Pierek and Kelly Coates of Carpionato Group, LLC, engineer David Taglianetti of VHB and attorney Kerin Browning were present on behalf of the petition. Mr. Moses stated that revised draft Zoning Ordinance Amendments had been submitted. He stated that a revised layout had been brought to the meeting to display, which reflected the changes that would appear on the Master Plan. He stated that comments by the Town's consultant, the Cecil Group, had also been incorporated.

Mr. Coates displayed both the old and new plans. He stated that buffer area had been added along Route 24 and that an additional lot on Main Road (Plat 301 / Lot 221 - Corr) had been incorporated at the entrance. This brought the lot total to three lots. The mixed use / residential buildings had been rearranged to take full advantage of the water view. The easternmost Souza Road entrance had been improved and residential amenities had been added. The hotel building had been re-sited, with the conference center connected. The buffer area to the north of the Main Road entrance had been increased.

The Chairman asked for a breakout of the uses by square foot. Mr. Coates replied that there was a small increase in residential proposed. He briefly discussed the restaurants, which would be a mixture of local and national brands. He stated that six fountains plus one large fountain were proposed in the parking area. Also included were a pedestrian bridge and a gazebo. Mr. Saurette opined that there should be an additional entrance to the hotel / conference center.

Ms. Cote expressed concern regarding the 100,000 square foot building depicted. She asked if a two-story building would be possible. Mr. Coates replied that it would be difficult for him to dictate that type of thing to a retailer, as few retailers would agree. He noted that it could actually contain two 50,000 square foot tenants. He noted that any tenants would be required to work within the design program, which would be dictated by the landlord.

Mr. Coates opined that the Board would be happy with the architecture of the project. He suggested that a bus tour of a lifestyle center could be arranged. Using a Power Point presentation, he displayed examples of similar projects, including: South Glenn in Centennial, Colorado (1.1 million square feet of commercial plus 200 multi-family dwelling units on 77 acres of land); Wareham Crossing (a “power center” with a lifestyle element); Bridgewater Falls, Tennessee; Crestview Hills in Crescent Springs, Kentucky and Turkey Creek in Knoxville, Tennessee. Mr. Holmes noted that the meandering roadways in some of these projects were more appealing. Mr. Coates noted that that the wetlands and buffers on the Tiverton site were limiting. Ms. Eva agreed stating that the new road layout was too symmetrical. Mr. Coates asked if the Board would prefer a more organic layout. Mr. Hardy opined that it would be more attractive to work with the terrain and get away from the shopping mall look. Mr. Moses stated that the developer was also trying to minimize parking areas.

Mr. Holmes asked how the development would be announced at the Main Road entrance. Mr. Coates replied that there would be a stone wall with a sloping green lawn and a few “hardscape” features that would relay that this is a quality development. Ms. Guimond asked what type of stone wall would be used. Mr. Coates replied that it would be actual stone, in a mortared wall. A discussion ensued regarding parking and traffic circulation.

Mr. Moniz suggested that the site should be enhanced with benches. Mr. Saurette opined that the current layout looked like a medium sized box center and not a village center like that in Wareham. He suggested that parking right up to the storefront would create a more intimate setting and a more rural design. He noted that the site would contain a lot of empty parking nine or ten months out of the year. Mr. Coates replied that he did not like head in parking.

Mr. Coates stated that this plan would replicate Garden City in Cranston but with a two-story design with residential above and wider sidewalks and laneways. He stated that this would not be a village, but it would be a major tax generator. Mr. Moses characterized the development as a “mixed use lifestyle center”. Mr. Saurette noted that many of the pictures displayed from other developments did not include large boxes, but 3,000 – 5,000 square foot stores with a more energized sidewalk experience. He suggested that the proposed stores would be more like junior boxes. Mr. Coates replied that the north section of the site would contain smaller shops. Mr. Hardy stated that architecture would be key and that the developer would need to think creatively. Ms. Eva noted that Garden City had smaller stores than what was shown.

Mr. Hardy inquired about the Main Road frontage. Mr. Coates stated that they were still in negotiation to acquire the property shown on the revised plan. He also stated that he would love to incorporate the Osborne property as well, but that it was not currently available. Visibility from Main Road was discussed, with the three story hotel being the most visible element. Mr. Coates noted that the lawn area could possibly be used for an event tent.

A discussion ensued regarding the use of the term “lifestyle” in the zoning amendment language. It was noted that the official name of the development had not yet been determined. Mr. Moniz suggested that the purpose statement should include a reference to economic development. The applicant stated that based on comments,

they would go back to “mixed use” instead of “lifestyle”. The Chair suggested that a definition of “light manufacturing” also needed to be added.

The proposed zoning ordinance language was reviewed line by line. Mr. Coates stated that the proposal was to allow for one 100,000 square foot structure, one 60,000 square foot structure, and all of the other structures limited to less than 40,000 square feet. (All in gross leasable area – GLA) Ms. Michaud opined that the design standards would be an important component of any size limit. Mr. Saurette opined that one 100,000 square foot building with the rest under 40,000 square feet would represent a significant concession by the Town adding that this was a lot different than the applicant’s original proposal. Mr. Coates replied that the 60,000 square foot building was intended to be supermarket oriented. The Chairman noted that the largest building on the original proposal contained 45,000 square feet, with the new plan representing a significant change. A discussion ensued.

The Chairman noted that many communities cap store sizes at 50,000 square feet or less, and that the Town’s current limit is 40,000 square feet. Ms. Eva stated that she also had an issue with the size of the proposed buildings. Mr. Coates noted that a supermarket would bring needed traffic stating that he could live with one 100,000 square foot building, one 50,000 square foot building and the rest of the buildings under 40,000 square feet. Ms. Cote stated that she would not like to see this project become large like a mall. Mr. Coates replied that architecture was important, and that a larger size would create more flexibility for the tenant. Mr. Hardy suggested that he could be agreeable to one 100,000 square foot building with the rest equal to or less than 40,000 square feet (GLA). The Board members agreed by consensus.

Mr. Moniz asked if the buildings would be built on spec. Mr. Coates replied in the negative. Mr. Hardy inquired about the density of uses. Mr. Moses replied that these figures would be adjusted. Mr. Saurette asked if the ratios of uses would be consistent in order to maintain a mixed-use project. Ms. Michaud noted that a phasing plan would be important. Mr. Moses replied that the uses depicted were just a “best guess” at this point. Mr. Coates stated that this point would be addressed, with a minimum and maximum square footage for each use established.

Ms. Eva noted that the documents must be corrected to refer to Main Road instead of Main Street. The Chairman stated that the right of way should be added to the Route 24 setbacks. Lot coverage and building coverage were discussed. Mr. Coates noted that the current plan depicted 68% lot coverage. Mr. Hardy suggested that the applicant work to reduce coverage wherever possible, and through use of creative solutions. Mr. Coates replied that the application would comply with RIDEM’s drainage standards.

Signage regulations were discussed. Ms. Michaud suggested that proposed Section b. should be amended to remove the reference to primary street frontage, and that the street triangle language should be corrected. Mr. Coates stated that a monument sign would be eight feet tall stating that without a plan it would be difficult to discuss sign regulations. The Chairman suggested that examples should be used. Mr. Saurette noted that signs should not extend beyond the cornice. Mr. Coates stated that the signage language would be revised.

Mr. Moniz asked if sidewalks would be extended from Main Road. Mr. Coates replied that he did not know if this would be possible, due to ADA requirements regarding slope. Mr. Moniz suggested that bike lanes should also be incorporated. The Chairman and Mr. Hardy both suggested that lighting fixtures should be shielded dark sky fixtures.

Mr. Moses stated that the next step would be submission of a Master Plan Application, Zoning Ordinance Amendment and Comprehensive Community Plan Amendment. He thanked the Board for their input in this very helpful process.

A five-minute recess was called. Mr. Corr returned to the table.

### **3. Tiverton Planning Board**

**A. Budget: 2014-2015** A budget worksheet was distributed by the Chair and briefly discussed. Mr. Hardy made a motion to approve the budget request as presented. Ms. Cote seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Corr, Mr. Hardy, Mr. Holmes, Mr. Hughes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

**B. Miscellaneous**

1. **Request Joint Workshop / Meeting with Town Council RE: Challenge Grant Project**  
Ms. Michaud stated that she had spoken with the Town Clerk regarding scheduling a joint session to review the draft amendments / report with the Town Council on November 19, 2013. Mr. Moniz confirmed that the new districts would be presented as standalone districts, and not overlay districts. The Board agreed by consensus that the new districts should be standalone. Ms. Eva expressed concern regarding increased septic and stormwater issues caused by increased density and subdivision potential without adequate infrastructure. Ms. Michaud noted that the only decreased lot size requirement would be in the Traditional Neighborhood District of far north Tiverton, and that the decrease would be from 12,000 square feet to 10,000 square feet per lot. Ms. Eva noted that the commercial area was also being expanded in places due to moving the zone line to the property line. Ms. Michaud agreed to obtain figures regarding the changes in size of the commercial lots in the study area.

**C. Approval of Minutes:**

**July 23, 2013 (Special Meeting)** Mr. Hardy made a motion to approve the minutes. Mr. Saurette seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Corr, Mr. Hardy, Mr. Holmes, Mr. Hughes, Mr. Moniz and Mr. Saurette voted in favor of the motion.  
**September 3, 2013** These minutes were not ready.

**September 17, 2013 (Special Meeting)** Mr. Hardy made a motion to approve the minutes. Ms. Cote seconded the motion. The motion passed 8-0-1. Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Corr, Mr. Hardy, Mr. Hughes, Mr. Moniz and Mr. Saurette voted in favor of the motion. Mr. Holmes abstained because he was absent on September 17<sup>th</sup>.

**D. Adjournment:**

Mr. Holmes made a motion to adjourn. The motion was seconded by Ms. Cote. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Corr, Mr. Hardy, Mr. Holmes, Mr. Hughes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

The meeting adjourned at 10:24 P.M.

*(Italicized words represent corrections made on the approved date.)*

Submitted by: \_\_\_\_\_  
Kate Michaud, Clerk

Approval Date: January 7, 2014